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May 30, 2024

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *In re Google Digital Advertising Antitrust Litigation*, No. 1:21-md-03010 (PKC)  
[rel. No. 1:21-cv-3446; No. 1:23-cv-5177]

Dear Judge Castel:

Plaintiffs Associated Newspapers, Ltd., Mail Media, Inc. (together, “Daily Mail”), and Gannett Co., Inc. write in response to Google’s letter in opposition. Dkt. No. 811. There is no conference scheduled at this time.

The Court should grant Daily Mail and Gannett leave to file their proposed case-specific interrogatories. Neither Daily Mail nor Gannett have served any case-specific interrogatories. They now seek to serve ten targeted interrogatories each in order to uncover highly relevant information regarding Google’s affirmative defenses and other allegations in its Answers. As the Court instructed, the proposed interrogatories are tailored to find evidence on issues for which Daily Mail and Gannett are “in the dark and [] entitled to know.” 5/21/24 Hearing Tr. 24:21-23. The interrogatories are identical to, or similar in kind to, the interrogatories this Court already has approved for other plaintiffs in the MDL. *See* Dkt. No. 778; Dkt. No. 776-1; 5/21/24 Hearing Tr. at 10:18-20, 11:8-23. Indeed, Google’s opposition does not identify any substantive deficiency in Daily Mail’s and Gannett’s proposed interrogatories, but instead focuses on process concerns. To the extent Google does substantively object to the scope of those proposed interrogatories, the Court should grant Daily Mail and Gannett leave to serve them and the parties can negotiate regarding any such substantive concerns as needed.

Google falsely asserts (at 1-2) that Daily Mail and Gannett made “misrepresentations” to the Court concerning their efforts to negotiate with Google and that the parties have not had the opportunity to “meaningfully meet-and-confer.” As Daily Mail and Gannett explained in their letter motion and elsewhere, Google proposed its Daily Mail- and Gannett-specific interrogatories on May 23, the Thursday before a holiday weekend. *See* MDL Dkt. Nos. 808, 809. Two business days later, Daily Mail and Gannett provided their draft case-specific interrogatories. In light of “the impending deadline” to serve contention interrogatories, Daily

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Mail and Gannett offered to meet and confer that afternoon or the following morning about both Google's proposed interrogatories and those proposed by Daily Mail and Gannett. *See* MDL Dkt. Nos. 809-3, 809-4. Google's response did not mention Daily Mail's and Gannett's offers to meet and confer, but instead declared impasse, and stated it intended shortly to file a motion for leave to serve its contention interrogatories "in light of the imminent deadline" to serve them. *Id.* Nineteen minutes later Google filed. In that motion, Google stated that it was "evaluating" Daily Mail's and Gannett's proposed interrogatories, "but" stated "they appear to be the kind of" interrogatories the Court "warned the parties against," indicating that Google views the interrogatories as improper. MDL Dkt. No. 807. Daily Mail and Gannett accurately characterized the parties' interactions in their letter motion. *See* MDL Dkt. 809 at 1. Google cannot now complain that Daily Mail and Gannett filed their letter motion after Google ignored their offer to meet and confer.

The Court should grant Daily Mail and Gannett leave to serve their proposed interrogatories. To the extent Google has substantive objections to those interrogatories, those can be addressed after the interrogatories have been served.

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Respectfully submitted,

*/s/ John Thorne*

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